

House File 421 - Introduced

HOUSE FILE 421

BY KAUFMANN

A BILL FOR

1 An Act relating to the performance of radon testing, and
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 136B.5, Code 2011, is amended to read as
2 follows:

3 **136B.5 Penalty Penalties for violation.**

4 a. A person who violates a provision of this chapter is
5 guilty of a serious misdemeanor.

6 b. A person who intentionally or negligently misrepresents
7 the capabilities of a device for detecting and measuring radon
8 gas or radon progeny, or the results of a test for the presence
9 of radon gas or radon progeny, or who for compensation performs
10 a test for the presence of radon gas or radon progeny without
11 an objective basis for believing the test will reduce the
12 presence of radon gas or radon progeny, commits a consumer
13 fraud under section 714.16.

14 EXPLANATION

15 This bill relates to the performance of radon testing. The
16 bill provides that a person who intentionally or negligently
17 misrepresents the capabilities of a device for detecting and
18 measuring radon gas or radon progeny, or the results of a test
19 for the presence of radon gas or radon progeny, or who for
20 compensation performs a test without an objective basis for
21 believing the test will reduce the presence of radon gas or
22 radon progeny, commits a consumer fraud under section 714.16.
23 A violation of Code section 714.16 is punishable by imposition
24 of a civil penalty in an amount not to exceed \$40,000 per
25 violation, and in addition a civil penalty of not more than
26 \$5,000 for each day of intentional violation of a temporary
27 restraining order, preliminary injunction, or permanent
28 injunction.